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C O N F I D E N T I A L SECTION 01 OF 02 PARIS 000424

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SUBJECT: DJIBOUTI: REVELATIONS IN THE BORREL CASE SPARK
ATTENTION

REF: 08 DJIBOUTI 309

Classified By: Deputy Political Counselor William Jordan, 1.4 (b/d).

¶1. (C) SUMMARY: The French daily "Liberation" on March 18 published an extensive article on the Borrel Case (Djibouti) that could prove damaging to the GOF. Djibouti has lost its suit at the ICJ where it sought French investigative files on Borrel and the circumstances of his death. Mrs. Borrel's continues her legal case against the GOF and the investigation of her husband's death goes on. Bilaterally, both sides reportedly seek to minimize the effects of the case on overall relations. END SUMMARY.

Background

¶2. (U) THE DEATH OF BERNARD BORREL: The Borrel Case refers to the mysterious death of French magistrate Bernard Borrel in Djibouti in October 1995. Borrel had been detailed to work at Djibouti's Justice Ministry. His body, which had been set afire at the time of death, was discovered on October 19, 1995. After a period of initial debate, his death was ruled a suicide, a finding accepted by Djibouti, France, and (initially) Mrs. Borrel (herself a magistrate). Soon after, Mrs. Borrel changed her mind and began an effort to overturn the finding of suicide and to have his death ruled a murder, bringing a legal action to revise its finding.

¶3. (U) INVESTIGATION OF DEATH LEADS TO OTHER LEGAL ACTIONS: Investigative Judge Sophie Clement led the investigation pursuant to Mrs. Borrel's initial suit. Clement subpoenaed a number of Djiboutians, including President Guelleh, as witnesses, but failed to hear their testimony as the Djiboutians refused to comply. Mrs. Borrel's suit and Clement's investigation have been the sources of several legal offshoots. The Djiboutian government sued France at the ICJ to obtain copies of Clement's files after Clement refused to provide them, citing her judicial independence (see below, para 9). In January 2005, then-MFA spokesperson, Herve Ladsous (presently Ambassador to China), stated publicly that France would provide its case files to Djibouti. Clement again refused, and Mrs. Borrel then sued Ladsous and the GOF for interfering in Clement's investigation of the case. The GOF continued to maintain throughout that Borrel's death was a suicide

¶4. (U) GOF ABOUT FACE: President Sarkozy received Mrs. Borrel at the Presidency on June 21, 2007 (about a month after he took office), and expressed his personal interest in her case. Almost simultaneously, a Paris prosecutor said that Borrel's death was not a suicide but rather the result of foul play, which would be investigated. At about this time, several GOF agencies (MFA, MOD, MOJ) were searched for evidence; the French presidency refused to allow its offices to be searched, based on a separation of powers argument.

However, authorities were able to search the home and vacation home of then-AF Advisor at the Presidency, Michel de Bonnacorse.

15. (U) TWO DJIBOUTIANS CONVICTED IN ABSENTIA: Clement's investigation spawned another case that led to the conviction, in absentia, of two prominent Djiboutians on March 27, 2008. A court in Versailles convicted Security Service Chief Hassan Said and Chief Prosecutor Djama Souleiman for having attempted to suborn the testimony of a witness who was allegedly prepared to offer evidence against Guelleh and others. Djibouti did not recognize these convictions and condemned France for allowing the case to develop as it had (reftel), in part because the convictions resulted from an in absentia proceeding.

6, (C) GOF CONTACTS' OPINIONS: Until the June 2007 about face, GOF interlocutors invariably repeated the official line that Borrel had killed himself, although none of them could say exactly why. There was evidence ostensibly supporting such a finding, including large bank withdrawals, a letter telling his wife how to dispose of certain property, and a purchase of gasoline in a jerrycan shortly before his immolated body was discovered. However, after the GOF changed positions on the death, most of our interlocutors have told us privately that he was possibly involved in the local French expat community, known to be a bit unsavory, and either got mixed up in something or had learned something that got him in trouble. The Djiboutians at some point suggested that he had been involved in a pedophile ring and that his death resulted from that. As far as we know, no one

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has offered a definitive or completely persuasive explanation of his death.

Latest Developments

17. (SBU) French daily "Liberation" on March 18 published an extensive review of the Borrel Case, including what it claimed were transcripts of wiretaps of former Presidential AF Advisor Michel de Bonnacorse's phones. (This material has been e-mailed to Embassy Djibouti and to AF.) The article included, inter alia, extracts of conversations between Bonnacorse's wife and son in which they appear to be discussing the destruction of evidence relating to the Borrel case. If true, the material described in the article would appear to be harmful to the GOF and would support Mrs. Borrel's claim that the GOF had been covering up his death.

MFA's Current Views

18. (C) We met with Thierry Caboche, MFA Djibouti desk officer, on March 19 and reviewed developments in the case. Caboche agreed that the material "Liberation" had published the day before was potentially harmful to the GOF and Bonnacorse. He said that he personally was not convinced that Borrel's death was other than a suicide. In addition to the evidence cited above, he noted that Mrs. Borrel had accepted the suicide finding for two months before she changed her mind, which indicated to Caboche that suicide was consistent with what she knew of her husband.

19. (C) Caboche said that the ICJ, in a ruling that received very little publicity, in August 2008 ruled for France and against Djibouti in Djibouti's suit to force France to provide copies of the investigative judge's files. Caboche said that the ICJ's ruling included a mild reprimand of France for not having provided an extensive legal brief in support of its case. (NOTE: Caboche seemed to suggest that the French, perhaps feeling confident, had filed a relatively short response to the complaint, citing judicial independence but declining to provide a detailed legal analysis in support. END NOTE.)

110. (C) Caboche said that Mrs. Borrel's suit against the

MFA and Ladsous was continuing and that it was in this context that the material published by "Liberation" could become a factor. The investigation of Borrel's death that investigative judge Sophie Clement had initiated was also continuing.

¶11. (C) Caboche noted that "the case, right now, is 99 percent a 'franco-francais' affair" and that both France and Djibouti were trying not to let it influence relations. He said that France and Djibouti understood that flare-ups were likely and that such flare-ups could lead to short periods of heated rhetoric or tension. However, he said that both sides were trying to deal with the case "only when we have to."

PEKALA